THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION No.26039 of 2007

Dated: 06.12.2007

Between:

K.R.Janardhan.

…Petitioner.

and

The Government of Andhra Pradesh and others.

…Respondents.

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION No.26039 of 2007

ORDER:

Questioning the action of the 3rd respondent in refusing to receive and register the sale deed executed by the petitioner in respect of land in Sy.Nos.382, 383 and 384 of Kattamnchi Village, on the ground that a civil suit is pending, the petitioner filed the present writ petition.

The petitioner states that he is the absolute owner and possessor of land admeasuring Acs.11.40 cents in Sy.No.382; Acs.6.13 cents in Sy.No.383 and Ac.0.81 cents in Sy.No.384 situated at No.76, Kattamanchi Village of Samabaiah Kandriga Village Accounts within Chittoor Municipality. He further states that some third parties filed a suit, being O.S.No.3 of 2004, on the file of the District Judge, Chittoor, for the relief of specific performance of an agreement, dated 12.3.2004, alleging that he executed the said agreement in their favour. According to the petitioner, he denied the allegations made in the plaint by filing a written statement and that there is no injunction against him. His case is that he intends to sell the said land to the

prospective purchasers, and accordingly, he prepared a sale deed and submitted the same to the

3rd respondent for registration along with a representation, dated 27.11.2007, but the 3rd respondent, by letter dated 29.11.2007, replied that in view of the pendency of the suit, he is estopped from going ahead with registration of the property. Questioning the said action of the

3rd respondent in refusing to receive and register the document, on the ground that a civil suit is pending in respect of the property in question, even though there is no injunction against him, the petitioner filed the present writ petition.

When the matter is taken up for admission, Learned Government Pleader for Revenue submits that since the lands of the petitioner are private lands, the writ petition may be disposed of with a direction to the 3rd respondent to receive and process the document presented by the petitioner in accordance with the provisions of the Registration Act, 1908 (for short “the Act”).

Heard the counsel for the petitioner and the learned Government Pleader for Revenue for the respondents.

On the ground that there is a civil dispute pending in O.S. No.3 of 2004 on the file of the District Judge, Chittoor, for the relief of specific performance between the petitioner and other private parties in respect of the property, which the petitioner wants to sell, the respondents cannot refuse to receive and register the document presented by the petitioner in that regard, and more so when the respondents being only registering authorities, do not decide title disputes between the rival parties. It is the case of the petitioners that there is no injunction for alienating the land in favour of third parties. Irrespective of whether there is injunction or not, the fact remains, the

person purchasing the property, which is subject matter of civil dispute, does so at his own peril. In that view of the matter, the action of the respondents in refusing to receive and register the document of the petitioner for sale of the property, cannot be sustained. Hence, I deem it appropriate to dispose of the writ petition with the following directions:

The 3rd respondent is directed to receive and process the document proposed to be presented by the petitioner for registration and consider the same in accordance with the provisions of the Act and the Rules made thereunder. It is clarified that if there are any objections for registering the said document, it is open for the 3rd respondent to make an endorsement to that effect, record reasons and communicate the same to the petitioner.

Accordingly, the writ petition is disposed of. No costs.

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N.V.RAMANA, J

Dated:06.12.2007

GJ